

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 1:23-md-3076-KMM

IN RE:

**FTX CRYPTOCURRENCY EXCHANGE
COLLAPSE LITIGATION**

This Document Relates To:

Garrison et al v. Paffrath et al,
1:23-cv-21023-KMM

Garrison et al v. Creators Agency LLC,
1:23-cv-23304-KMM

Garrison et al v. Jung,
1:23-cv-23063-KMM

Garrison et al v. Singh,
1:23-cv-23046-KMM

**THE YOUTUBER DEFENDANTS' JOINDER TO THE SPORTS & ENTERTAINER
DEFENDANTS' OPPOSITION TO PLAINTIFFS' CROSS-MOTION TO STAY ENTIRE
MDL PENDING COMPLETION OF SAM BANKMAN-FRIED'S CRIMINAL TRIAL**

Defendants Brian Jung, Creators Agency LLC, Erika Kullberg, Graham Stephan, Andrei Jikh, Jeremy Lefebvre, and Jaspreet Singh (the "YouTuber Defendants") hereby join in the Sports & Entertainer Defendants' Opposition to Plaintiffs' Cross-Motion to Stay Entire MDL Pending Completion of Sam Bankman-Fried's Criminal Trial [ECF 325] ("Sports & Entertainer Defendants' Opposition").¹

The YouTuber Defendants write to further address certain misstatements made by Plaintiffs in Co-Lead Counsel's Reply to Investor Defendants' Joint Opposition to Cross-Motion

¹ By joining in this opposition, the YouTuber Defendants do not waive, and specifically preserve, any and all defenses, including but not limited to lack of personal jurisdiction or lack of adequacy of service of process.

to Stay Pending Completion of Defendant's Criminal Trial [ECF 320] ("Plaintiffs' Reply"). In connection with Plaintiffs' Reply, they "certify that over the past week, they have conferred or attempted to confer with counsel for . . . all MDL Defendants in a good faith effort to resolve the issues raised in the Cross-Motion" and report that Counsel for the "Brand Ambassador Defendants . . . oppose entry of an order staying litigation of the FTX Third Party Actions pending completion of the Criminal Trial, oppose any request for jurisdictional discovery, but do *not* oppose entry of an order extending the deadline for Plaintiffs to oppose the Motions to Dismiss to November 6, 2023, and for Defendants to reply by December 6, 2023." [ECF 320, at 5-6 (emphasis in original)]. "Brand Ambassador Defendants" is defined in Plaintiffs' Corrected Amended Complaint [ECF 179] to include all of the YouTuber Defendants.

At no point during the prior week did Plaintiffs' counsel confer with counsel for any of the YouTuber Defendants regarding their request for a full stay of these proceedings pending the criminal trial of Sam Bankman-Fried or any request for jurisdictional discovery. Instead, the first contact that the YouTuber Defendants received was at 11:27am on Tuesday, October 3, 2023, less than an hour before Plaintiffs filed their Reply, requesting only an extension of the briefing schedule. Further, by the time of Plaintiffs' filing the YouTuber Defendants had not yet responded to Plaintiffs' email.

Plaintiffs further falsely represent in their Reply that all MDL Defendants agreed **"that an extension of the briefing schedule on the pending Motions to Dismiss is warranted"** (emphasis in original), although, again, the YouTuber Defendants had not yet responded to Plaintiffs' request before their Reply brief was filed, nor did the YouTuber Defendants agree that an extension was warranted. Plaintiffs' failure to confer in good faith prior to filing its motion is grounds, in of itself, for denial of their Cross-Motion. *See, e.g., Burleigh House Condo., Inc. v.*

Rockhill Ins. Co., 2022 WL 17082909, at *6 (S.D. Fla. Nov. 18, 2022) (“[Failure to confer] justifies an Order denying the motion, as the Eleventh Circuit has affirmed that failure to comply with Local Rule conferral requirements is an independently sufficient basis to deny a motion.”) (citing *J.B. Hunt Transp., Inc. v. S & D Transp., Inc.*, 589 F. App’x 930, 933 (11th Cir. 2014)).

The YouTuber Defendants join the Sports & Entertainer Defendants’ Opposition in all other respects.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 5, 2023 undersigned counsel filed the foregoing document with the Clerk of Court using CM/ECF. I also certify that the foregoing document is being served on all counsel of record and parties registered via transmission of Notices of Electronic Filing generated by CM/ECF.

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